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United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, DC 20510-6225

October 13, 2020

Ambassador Matthew Klimow
Acting Inspector General
U.S. Department of State
Office of the Inspector General
SA-39
1700 North Moore Street
Arlington, VA 22209

Joseph V. Cuffari
Inspector General
U.S. Department of Homeland Security
Office of the Inspector General
245 Murray Lane, SW
Washington, DC 20528

Dear Inspector General Cuffari and Ambassador Klimow,

I write to request that your offices open a joint review of the Department of Homeland Security's misuse of Department of State funds in Guatemala earlier this year. A Senate Foreign Relations Committee (SFRC) Democratic inquiry uncovered a January 2020 incident in which Department of Homeland Security (DHS) personnel misused International Narcotics Control and Law Enforcement (INCLE) funds provided by the State Department and directly violated the terms of an agreement between the two departments. Even more troubling, the SFRC Democratic staff inquiry revealed that DHS initially tried to conceal this violation, causing the State Department to transmit misleading information to Congress.

In January 2020, DHS personnel stationed in Guatemala mismanaged INCLE funds provided by the State Department to conduct a joint operation with Guatemalan border authorities. Specifically, DHS personnel misused INCLE funds to rent unmarked vans and contract drivers that were used to transport an unidentified number of Honduran migrants back to the Guatemala-Honduras border.

DHS personnel conducted this joint operation with INCLE funds despite a prohibition in the agreement between the two departments that, according to the State Department, "clearly specifies U.S. personnel under this agreement will not conduct immigration or law enforcement operations; they are in country for mentoring, advising and capacity-building purposes only."¹ Additionally, DHS informed SFRC Democratic staff that the unmarked vans were used to transport women and children migrants, but was unable to clarify whether any family members had been separated during the incident or whether there was any process to reunify separated family members. This startling admission leaves open the possibility that CBP was once again involved in an operation that separated migrant families and children.

When my office first inquired about the January 2020 incident, the responses from the State Department indicated that DHS stated it did not participate in the joint operation with Guatemalan border authorities.² Just over a week later, in a shocking turn of events, the State Department was forced to correct the record and inform SFRC Democratic staff that DHS had misused INCLE funds for its joint operation.³

¹ Email from the Bureau of Legislative Affairs, U.S. Department of State, to Senate Foreign Relations Committee Staff, January 22, 2020.

² *Id.*

³ Email from the Bureau of Legislative Affairs, U.S. Department of State, to Senate Foreign Relations Committee Staff, January 30, 2020.

The Offices of the Inspector General at the State Department and DHS should review this incident to determine responsibility for DHS mishandling State Department funding and breaching prohibitions in the interagency agreement. Moreover, DHS mistruths and obfuscation regarding the January 2020 incident marked an unacceptable effort to undermine congressional oversight—one that merits closer scrutiny by both of your offices.

An investigation of this incident should address, at a minimum, the following questions:

1. Who in DHS authorized the January 2020 operation that led to the misuse of State Department funding and breach of the terms of the interagency agreement related to these funds? Are there other incidents in which DHS conducted immigration operations that constituted a misuse of State Department funding and violation of an interagency agreements between the two departments?
2. What role did DHS Undersecretary Chad Wolf, Acting DHS Deputy Secretary Ken Cuccinelli, and Acting CBP Commissioner Mark Morgan play in authorizing the January 2020 incident in Guatemala? What role did each play in ensuring accountability for the misuse of State Department funding and the violation of the interagency agreement between the two departments?
3. What efforts has the State Department undertaken to ensure accountability for DHS misuse of INCLE funds in January 2020 and to prevent against similar transgressions in the future?
4. Did DHS separate or contribute to the separation of families and children as part of its January 2020 joint operation with Guatemalan border authorities? What efforts has DHS undertaken to ensure that any separated families and children were reunited with their family members?
5. Which personnel at DHS were responsible for providing false information to the State Department and thereby intentionally or recklessly causing the State Department to provide misleading information to Congress and what steps should be taken to ensure that DHS does not engage in similar behavior in the future?

Thank you in advance for your attention to this letter. I look forward to your prompt response by October 30, 2020.

Sincerely,



Robert Menendez
Ranking Member